

REQUEST FOR COUNCIL ACTION

MEETING
DATE: 04-21-03

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AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. E-10
ITEM DESCRIPTION: Vacation Petition #03-02 by Rochester Crossing, LLC to vacate all of the easements as dedicated on the recorded plat of Rochester Marketplace for drainage and utility purposes on Lot 2, Block 3 Rochester Marketplace. The property is located along the east side of Marketplace Drive NW, west of TH 52 and south of Applebee's.		PREPARED BY: Theresa Fogarty, Planner

April 15, 2003

Planning Department Recommendation:

See attached staff report dated April 15, 2003.

Staff is recommending approving only the vacation of the 20' drainage and utility easement running in the middle of Lot 2, Block 3 with the following comments:

1. *Prior to recording the vacation, dedication of a revised public utility easement shall be executed with the City.*
2. *The Owner is aware that dedication of a revised public utility easement is required prior to construction of any infrastructure, including extending public watermain and hydrant(s), if required through the Site Development Plan review.*

Council Action Needed:

1. Following the hearing, if the Council wishes to proceed, it should instruct the City Attorney to prepare a resolution to approve a portion of the vacation petition as recommended by staff.

Attachments:

1. Staff Report dated April 15, 2003.

Distribution:

1. City Administrator
2. City Clerk
3. City Attorney: Copy of legal description is attached
4. Planning Department File
5. Applicant: This item will be considered by the Council sometime after 7:00 p.m. on Monday, April 21, 2003, in the Council/Board Chambers at the Government Center, 151 4th Street SE.
6. RKL Kuusisto, Ltd.

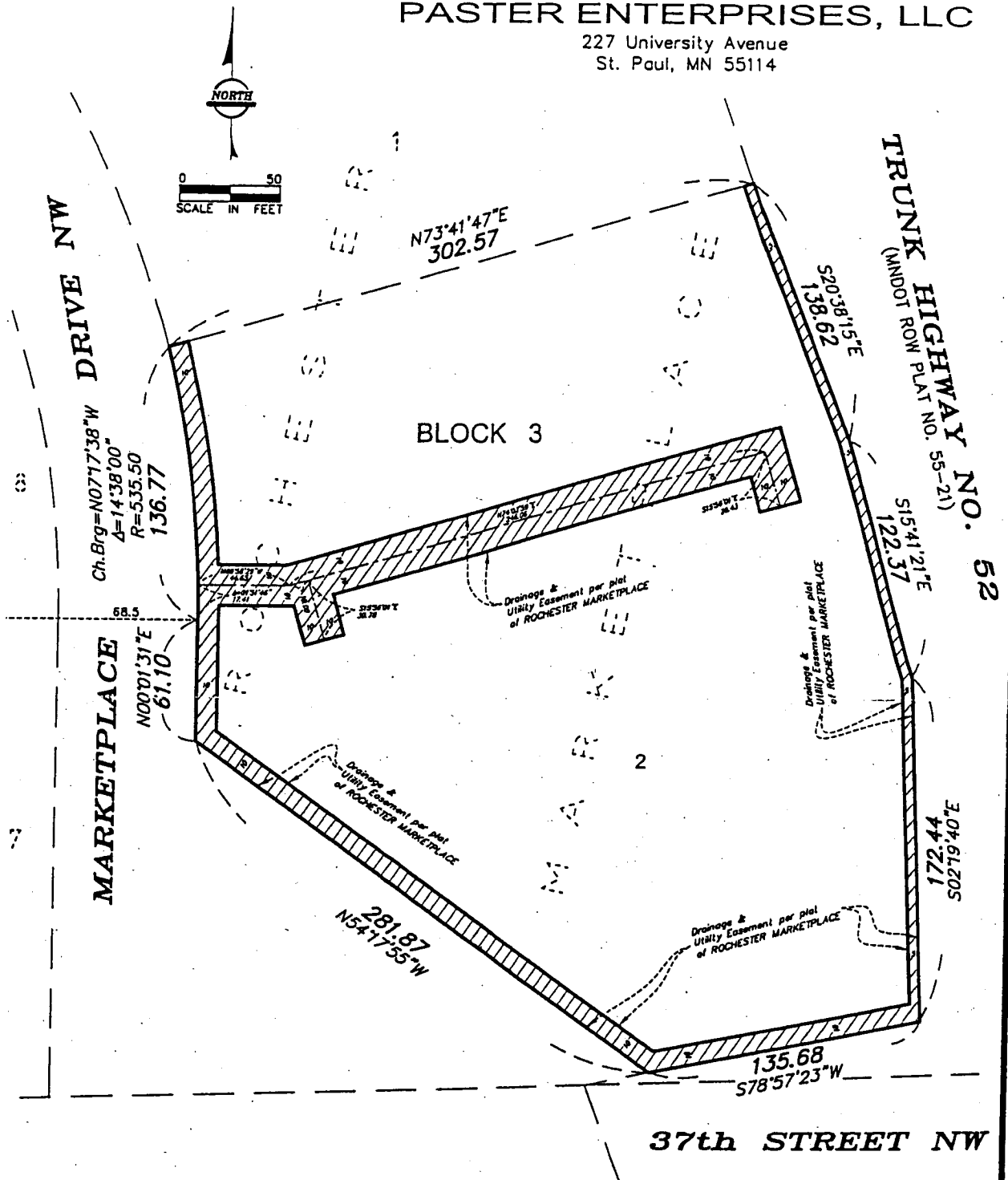
COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

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Easement Vacation Sketch

for
PASTER ENTERPRISES, LLC

227 University Avenue
St. Paul, MN 55114



EASEMENT VACATION DESCRIPTION

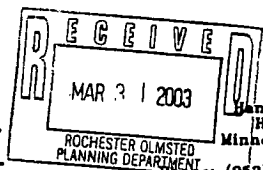
Vacating all those easements as dedicated on the recorded plat of ROCHESTER MARKETPLACE, Olmsted County, Minnesota, for drainage and utility purposes over, under and across, Lot 2, Block 3, said ROCHESTER MARKETPLACE.

Drawing File: 03-183-721.DWG
Project No. 2003-183-L

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

Russell O. Halverson
Russell O. Halverson, MN License No. 41813

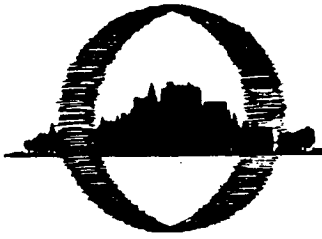
March 10, 2003
Date



Duluth, MN
Ham Lake, MN
Hibbing, MN
Minnetonka, MN

Phone: (952) 933-0972
Fax: (952) 933-1153
www.rik-kuusisto.com

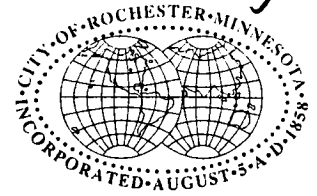
6110 Blue Circle Dr., Suite #100, Minnetonka, MN 55343



ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF
Olmsted



TO: Rochester City Council

FROM: Theresa Fogarty, Planner

DATE: April 15, 2003

RE: Vacation Petition #03-02, by Rochester Crossing, LLC to vacate all of the easements as dedicated on the recorded plat of Rochester Marketplace for drainage and utility purposes on Lot 2, Block 3 Rochester Marketplace. The property is located along the east side of Marketplace Drive NW, west of TH 52 and south of Applebee's.

Planning Department Review:

Petitioner(s): Rochester Crossing, LLC
2227 University Avenue
St. Paul, MN 55114

Engineer/Surveyor: RKL Kuusisto, Ltd.
Attn: Aaron Hemquist
6110 Blue Circle Drive, Suite 100
Minnetonka, MN 55343

Reason to Vacate: The petitioner is requesting vacating all the utility and drainage easements allowing construction a building over the existing the easements.

Referral Comments:

1. Rochester Public Works
2. Rochester Public Utilities – Operations Division
3. Qwest Telephone

Report Attachments:

1. Vacation Petition
2. Location Map
3. Referral Comments (3 letters)

Staff Recommendation:

The Rochester Public Utilities Department – Water Division, Qwest Telephone and Rochester Public Works have reviewed this vacation request and object to the vacation of the easements around the perimeter of Lot 2, Block 3. The three agencies have no objections to the vacation of the 20' easement internal to Lot 2.



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Vacation Request #03-02
Rochester Crossing
April 15, 2003

Staff has reviewed the recommendations presented by the Rochester Public Utilities, Qwest Telephone and Rochester Public Works and is recommending approving only the vacation of the 20' drainage and utility easement running in the middle of Lot 2, Block 3 with the following comments:

- 1. Prior to recording the vacation, dedication of a revised public utility easement shall be executed with the City.**
- 2. The Owner is aware that dedication of a revised public utility easement is required prior to construction of any infrastructure, including extending public watermain and hydrant(s), if required through the Site Development Plan review.**

ROCHESTER

— Minnesota —

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TO: Consolidated Planning Department
2122 Campus Drive SE
Rochester, MN 55904

DEPARTMENT OF PUBLIC
WORKS
201 4th Street SE Room 108
Rochester, MN 55904-3740
507-287-7800
FAX - 507-281-6216

FROM: Mark E. Baker

DATE: 4/14/03

The Department of Public Works has reviewed the application requesting Vacation #03-02 by Rochester Crossing (Lot 2, Block 3, Rochester Marketplace).
The following are Public Works comments on the proposal:

1. Public Works would support the vacation of the east / west 20 foot wide easement originally intended for public watermain & hydrants, but would not support vacation of the 5 foot & 10 foot wide drainage & utility easement along the perimeter of the property.
2. The Owner is aware that dedication of a revised public utility easement is required prior to construction of any public infrastructure, including extending public watermain and hydrant(s) if required through Site Development Plan review.



DATE: April 10, 2003

TO: Jennifer Garness, Planning Dept.
Rochester-Olmsted Planning Dept.

FROM: Michael J. Engle, Supv. of Distribution Design
Rochester Public Utilities
280-1579

SUBJECT: Vacation Petition #03-02, by Rochester Crossing to vacate all of the easements as dedicated on the recorded plat of Rochester Marketplace for drainage and utility purposes on Lot 2, Block 3 Rochester Marketplace. The property is located along the east side of Marketplace Drive NW, west of TH 52 and south of Applebee's.

RPU's Operations Division review of the above-referenced vacation petition is complete and our comments follow:

1. RPU objects to the vacation of the easements around the perimeter of Lot 2, Block 3 because we have an existing 13.8 kV underground distribution line within the easement along the west property line and we wish to retain the other perimeter easements for possible future distribution facilities.
2. RPU has no objection to the vacation of the 20' easement internal to Lot 2.

Sincerely,

la

c. Rochester Crossing, LLC
RKL Kuusisto, Ltd

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ROCHESTER-OLMSTED PLANNING DEPARTMENT
2122 CAMPUS DRIVE SE - SUITE 100
ROCHESTER, MN 55904
PHONE (507) 285-8232
FAX (507) 287-2275

Date: April 2, 2003
 To: Agencies Indicated Below
 From: Jennifer Garness, Planning Department
 Subject: Vacation Petition #03-02, by Rochester Crossing to vacate all of the easements as dedicated on the recorded plat of Rochester Marketplace for drainage and utility purposes on Lot 2, Block 3 Rochester Marketplace. The property is located along the east side of Marketplace Drive NW, west of TH 52 and south of Applebee's.

This application is scheduled for consideration by the City Council on April 21, 2003, at 7:00 p.m. in the Council/Board Chambers at the Government Center, 151 4th Street SE. In order for the Planning Department to prepare a thorough review of this application, we would appreciate receiving your comments by April 14, 2003. You may also appear at the meeting if you so desire. *If you have comments, in addition to forwarding them to the Planning Department, please send a copy to:*

Rochester Crossing, LLC
2227 University Avenue
St. Paul MN 55114

RKL Kuusisto, Ltd
Attn: Aaron Hemquist
6110 Blue Circle Drive, Suite 100
Minnetonka MN 55343
(952) 933-0972

Your cooperation and assistance is greatly appreciated.

<u>City Agencies</u>	<u>County Agencies</u>	<u>Other Agencies</u>
1. Public Works Richard Freese	13. Health Department Rich Peter	17. School Board Jeff Kappers
2. Fire Department Vance Swisher	14. Public Works	18. Aquila Neal Clausen
3. Crime Prevention Darrel Hildebrant Gov. Center	15. GIS Division Randy Growden	19. Aquila Rory Lenton
4. RPU Operations Division Mike Engle	16. Environmental Resource Services	20. Qwest Julie Schletty
5. RPU Water Division Donn Richardson		21. Charter Communications
6. Park & Recreation Denny Stotz		22. MN DOT Dale Maul
7. Building Safety Ron Boose		23. Post Office Supervisor
8. City Attorney Dave Goslee		24. MN DNR Bob Bezek
9. Downtown Dev. Dist. Doug Knott		25. SWCD
10. City Administration Terry Spaeth		26. Peoples Coop Rick Wellik
11. Transportation Planner Charlie Reiter		27. Peoples Coop Sandy Sturgis
12. John Harford, Planning Dept.		28. CUDE, Design Review Committee Christine Schultze
		29. Susan Waughtal Neighborhood Organizer

4-3-03

Qwest does not agree to vacate the 5' $\frac{3}{4}$ 10' easements around the perimeter of the lot.

You can vacate the 20' easement running into the middle of the lot.

Julie Schletty - S.D. Engineer

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